

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 IN THE MATTER OF:)
4 Illinois Bell Telephone)
5 Company and Sprint)
6 Spectrum L.P.)
7) No. 04-0631
8 Joint Petition for Approval)
9 of First Amendment to the)
10 Interconnections Agreement)
11 dated October 11 2004,)
12 pursuant to 47 U.S.C.)
13 Section 252)

14 Chicago, Illinois

15 November 16, 2004

16 Met, pursuant to notice, at 10:00 o'clock a.m.

17 BEFORE:

18 JOHN T. RILEY,
19 Administrative Law Judge
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1 APPEARANCES:

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4 JAMES A. HUTTENHAUER
225 West Randolph Street
5 Suite 25-D
Chicago, Illinois 60606
6 appearing for
Illinois Bell Telephone Company
7 (SBC Illinois);

8 MS. BRANDY D. B. BROWN
160 North LaSalle Street
9 Suite C-800
Chicago, Illinois 60601
10 appearing for staff of the
Illinois Commerce Commission.

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17 SULLIVAN REPORTING COMPANY, by
Leah Ann Bezin, CSR
18 License No. 084-001104

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1 JUDGE RILEY: Pursuant to the direction of
2 the Illinois Commerce Commission, I call Docket
3 04-0631.

4 This is a joint petition between
5 Illinois Bell Telephone Company and Sprint
6 Spectrum, L. P., for approval of the first
7 amendment to the interconnection agreement dated
8 October, 11, 2004, pursuant to 47 U.S.C.
9 Section 252.

10 And again will the parties
11 stipulate that their appearances in this docket
12 are the same as in 0632 and 0633 called earlier
13 this morning?

14 MS. BROWN: Yes.

15 MR. HUTTENHAUER: Yes.

16 JUDGE RILEY: So stipulated.

17 Staff, it's my understanding that
18 no one has -- staff Counsel, it is my
19 understanding that staff has not issued a
20 verified statement in this matter; is that
21 correct?

22 MS. BROWN: That is correct.

1 JUDGE RILEY: What is the reason for that?

2 MS. BROWN: Staff has not heard from anyone
3 from Sprint Spectrum. As far as we know, they
4 are not certificated as a telecom carrier here in
5 the State of Illinois.

6 JUDGE RILEY: Okay.

7 I would note for the record that on
8 October 29, 2004, Mr. Weging, of staff counsel,
9 also sent an e-mail to myself, Mr. Omoniyi,
10 Mr. Huttenhauer and Mr. W. Richard Morris of
11 Sprint Spectrum, L.P., who is identified as a
12 vice president there.

13 It states:

14 "In reviewing the records of
15 the ICC, I note that Sprint Spectrum
16 L. P., was removed as a
17 telecommunications carrier back in
18 1988. I have reference to a
19 Docket No. 98-0487."

20 And the e-mail says that this was
21 meant for the wireless company and requests that
22 Sprint contact them.

1 Obviously, Sprint has not contacted
2 staff counsel.

3 MS. BROWN: No. As of yesterday at close of
4 business, we still had not heard from them.

5 JUDGE RILEY: All right.

6 Mr. Huttenhauer, you made some
7 efforts this morning to get ahold of someone
8 there?

9 MR. HUTTENHAUER: Yes.

10 Yesterday afternoon, I actually
11 tried to contact Mr. Morris. I got information
12 that he was out of town until tomorrow.

13 Someone at his phone number gave me
14 the name of someone else at Sprint, for whom I
15 left a message.

16 And then a third person from Sprint
17 called me back this morning saying that he would
18 try and arrange for some lawyer from Sprint
19 Spectrum to participate.

20 I didn't hear anything further. I
21 did, however, leave a message for this third
22 person, a man named Charles McKee, providing him

1 with the telephone number of this hearing room
2 in case he got the message in time to have
3 someone participate.

4 JUDGE RILEY: All right.

5 Well, obviously, no one has made
6 any attempt to get in touch with us.

7 MR. HUTTENHAUER: That seems to be the
8 case.

9 JUDGE RILEY: And, staff, that is
10 your -- that is the position, that is staff's
11 resolute position, is that they are not going to
12 issue a verified statement in this matter?

13 MS. BROWN: Yes. At this point --

14 JUDGE RILEY: Okay.

15 MS. BROWN: -- that's our position.

16 JUDGE RILEY: All right.

17 Let me make one more attempt to get
18 ahold of someone at the number I have been
19 calling.

20 (Pause.)

21 JUDGE RILEY: All right.

22 Let the record reflect that I have

1 made three attempts to contact someone at the
2 office of Mr. W Richard Morris at a phone number
3 given to me by SBC of (913) 315-9175.

4 We keep getting a voice mail from
5 someone other than Mr. Morris. And, as a result,
6 we have no participation from Sprint Spectrum,
7 L. P., to find out what their position is in this
8 matter.

9 I cannot think of doing anything
10 else right now. I certainly can't close this
11 matter. So what we will do -- what is SBC's
12 position, just to move for a continuance and see
13 if we can get ahold from someone from Sprint?

14 MR. HUTTENHAUER: I think with a little more
15 time, we may be able to, A, get somebody from
16 Sprint.

17 Whether they will be able to do
18 something with regard to fixing staff's concern
19 in this docket before the deadline, I can't say.
20 But it might be appropriate to give them at least
21 a chance to chime in, and there might be some
22 explanation, that that would resolve staff's

1 concern.

2 JUDGE RILEY: All right.

3 Why don't

4 we -- anybody -- everybody going to be here next
5 Monday?

6 MR. HUTTENHAUER: Yes.

7 MS. BROWN: I will be here but later in the
8 afternoon. Somebody will be able to handle it
9 for staff.

10 JUDGE RILEY: Okay. Somebody will cover it,
11 then, for you.

12 So if I were to set this at 11:00
13 o'clock, that would be all right?

14 MS. BROWN: Yes.

15 JUDGE RILEY: Okay. Why don't we do that,
16 then. That will give us the better part of a
17 week to get ahold of someone at Sprint.

18 I would note that there also seems
19 to be a wrinkle, an additional wrinkle in this
20 matter.

21 Mr. Huttenhauer, you had mentioned
22 that a negotiated agreement, the underlying

1 agreement, between SBC and Sprint Spectrum,
2 L. P., was actually approved in an 03 docket?

3 MR. HUTTENHAUER: Yes. I believe it was
4 approved in Docket 03-0569, which the Commission
5 approved in November of last year.

6 And, yes, I actually have
7 the -- from e-docket in that earlier case, the
8 verified statement of Qin Liu.

9 JUDGE RILEY: Okay. Well, that's where we
10 are.

11 That is continued to
12 November 22nd. And I'll make that 11:00 a.m.
13 And with any luck, we will have heard from
14 someone from Sprint Spectrum, L. P., by that
15 time, and we can determine whether or not
16 the -- at least how to proceed at that point.

17 MS. BROWN: Um-hmm.

18 JUDGE RILEY: Do the parties have anything
19 further?

20 MR. HUTTENHAUER: Nothing further.

21 MS. BROWN: Nothing further from staff.

22 JUDGE RILEY: All right.

1 Then I continue this to November 22
2 at 11:00 a.m.

3 Thank you very much.

4 (Whereupon, the above-entitled
5 matter was continued to
6 November 22, A.D., 2004, at
7 11:00 o'clock a.m.)

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